

Title 27. Transportation.
Subtitle 7. Watercourses and Navigation.
Chapter 101. Watercraft.
Subchapter 2. Operation.

27-101-207. Liability insurance required.

(a)(1)(A) It shall be unlawful for the owner of a motorboat of more than fifty horsepower (50 HP) or a personal watercraft to allow the operation of the motorboat or personal watercraft unless it is covered by a liability insurance policy which has been issued by an insurance company authorized to do business in this state.

(B) The insurance policy must provide at least fifty thousand dollars (\$50,000) of liability coverage per occurrence.

(2) This section shall not apply to:

(A) A motorboat or personal watercraft owned by the United States, a state government, or any political subdivision thereof; or

(B) A motorboat or personal watercraft registered in another state.

(b)(1)(A) Failure to present proof of liability insurance coverage when requested by a law enforcement officer creates a rebuttable presumption that the motorboat or the personal watercraft is uninsured.

(B)(i) For the purposes of this section, "proof of insurance" shall consist of a policy declaration page or other documentation which reflects the motorboat or personal watercraft coverage furnished to the insured by the insurance company which can be conveniently carried in the motorboat or personal watercraft.

(ii) Insurance companies shall not be required to provide proof of insurance which may be conveniently carried as required in subdivision (b)(1)(B)(i) of this section if the insurance coverage is provided as part of a homeowner's insurance policy.

(2) Upon a showing that liability coverage required by this section was in effect at the time of arrest, the judge may dismiss the charge imposed under this section, and the penalties shall not be imposed.

(c)(1) However, if the operator of the motorboat or personal watercraft is involved in an accident on the waters of this state and the motorboat or personal watercraft was not insured as required by this section, the owner of the motorboat or personal watercraft shall be deemed guilty of a Class A misdemeanor.

(2)(A) For a first violation of subsection (a) of this section, the penalty shall be a mandatory fine of not less than fifty dollars (\$50.00) nor more than two hundred fifty dollars (\$250).

(B) For a second offense, the penalty shall be a fine of not less than two hundred fifty dollars (\$250) nor more than five hundred dollars (\$500) for the second offense, and the minimum fine shall be mandatory.

(C) For a third or subsequent offense, the penalty shall be a mandatory fine of not less than five hundred dollars (\$500) nor more than one thousand dollars (\$1,000) or a sentence of up to one (1) year in jail or both.

(d) All fines collected under this section shall be deposited as special revenues in the State Treasury and credited to the Boating Safety Account Fund and then distributed by the Treasurer of State to the Game Protection Fund to be used by the Arkansas State Game and Fish Commission for the purpose of establishing, maintaining, and operating a program of boater training and boater safety throughout the state.